

Carol A. Sobel (SBN 84483)  
**LAW OFFICE OF CAROL A. SOBEL**  
725 Arizona Ave.  
Santa Monica, California 90401  
Tel: (31) 393-3055  
Email: carolsobel@aol.com

Shayla R. Myers (SBN 264054)  
**LEGAL AID FOUNDATION  
OF LOS ANGELES**  
7000 S. Broadway  
Los Angeles, CA 90003  
Tel: (213) 640-3983  
Email: [smyers@lafla.org](mailto:smyers@lafla.org)

Catherine Sweetser (SBN 271142)  
**SCHONBRUN SEPLOW HARRIS  
& HOFFMAN, LLP**  
11543 W. Olympic Blvd.  
Los Angeles, CA 90064  
Tel: (310) 396-0731  
Email: [catherine.sdshhh@gmail.com](mailto:catherine.sdshhh@gmail.com)

*Attorneys for Intervenors CANGRESS  
and Los Angeles Catholic Worker*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

LA ALLIANCE FOR HUMAN  
RIGHTS, et al. Plaintiff(s),  
vs.  
City of Los Angeles, et. al. Defendant(s). } Hon. David O. Carter  
Courtroom 1  
INTERVENORS LOS ANGELES  
COMMUNITY ACTION NETWORK  
AND LOS ANGELES CATHOLIC  
WORKER OBJECTIONS TO MAY 15,  
2020 PRELIMINARY INJUNCTION

1                   Intervenors Los Angeles Community Action Network (LA CAN) and Los  
 2 Angeles Catholic Worker (LACW) respectfully object to this Court's May 15, 2020  
 3 order, which was not requested by any party and issued *sua sponte*. We recognize  
 4 that the negotiations have been difficult and that the County and City are attempting  
 5 to streamline funding sources to provide additional services to individuals in the city  
 6 of Los Angeles, but this order is not the solution to the stalling of those negotiations.  
 7

8                   As this Court has noted, an injunction is an extraordinary remedy. That is  
 9 particularly true where, as here, the Court issues a mandatory injunction. *See Garcia*  
 10 *v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (mandatory injunctions, rather than  
 11 preserving the status quo *pendente lite*, are "particularly disfavored" subject to a  
 12 higher standard).<sup>1</sup> Intervenors appreciate the willingness of the Court to consider  
 13 extraordinary relief at this extraordinary time. Moreover, intervenors welcome the  
 14 Court's thoughtful recognition of the harm caused by prolonged exposure to  
 15 pollution and environmental hazards. These harms underscore Intervenors' concerns  
 16 about the City and County's inadequate response to the threat of COVID-19 to  
 17 individuals who are unhoused, and in particular, to individuals who are suffering  
 18 from physical effects brought on by chronic homelessness, including the effects of  
 19 living too close to freeways. The Court's recognition of these negative health  
 20 impacts is appreciated. At the same time, however, Intervenors object to the  
 21 Court's May 15, 2020 preliminary injunction in so far as it requires the City and  
 22 County to relocate individuals who are homeless away from these locations.  
 23

24                   First, Intervenors are concerned that following the order could result in the  
 25 City and County's prioritization of people based on factors other than those  
 26 recognized by public health officials as most likely to result in negative outcomes  
 27 and death during this current pandemic  
 28

---

<sup>1</sup> The Court's Order does not address the higher standard for a Mandatory  
 Injunction, which should be denied "unless the facts and law clearly favor" the  
 moving party. *Id.*

1       Second, intervenors object that the *sua sponte* Preliminary Injunction entered  
 2 by the Court orders that individuals who are camping near freeway overpasses,  
 3 underpasses and ramps “be humanely relocated away from such areas.” Order re:  
 4 Preliminary Injunction, Dkt. 108 (“Order”) at 5. The legal justification to do so  
 5 stems from this Court’s finding that there is a serious question whether the City and  
 6 County have failed to meet their obligation to provide services to unhoused  
 7 individuals as required by Welfare and Institutions Code Section 17000 *et seq* and  
 8 the United States Constitution. *See* Order at 4. As an initial matter, obligations for  
 9 support under Welfare and Institutions Code Section 17000 *et seq* run not to cities  
 10 but to counties (or in the case of San Francisco, a city and county), which are  
 11 political subdivisions of the state. *See Hunt v. Superior Court*, 21 Cal.4<sup>th</sup> 984, 991  
 12 (1999).

13       Moreover, the relocation of people away from freeways, as mandated by the  
 14 Court, will not remedy the legal harm caused by any failure to adequately provide  
 15 shelter or services. Even if the Court may order defendants to provide shelter or  
 16 alternative forms of housing, as the Court has also done, *see* Order at 6, the focus  
 17 on and requirement that individuals experiencing homelessness be relocated from  
 18 near freeways is not a remedy to the legal injury identified by the Court. *See De*  
 19 *Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945). This is  
 20 particularly true where the relief ordered by the Court was not sought in the  
 21 complaint. *See Pacific Radiation Oncology, LLC v. Queen's Medical Center*, 810  
 22 F.3d 631, 636 (9<sup>th</sup> Cir. 2015) (relief ordered by the Court must be related to the  
 23 complaint). And no person who has been harmed by living near a freeway has  
 24 requested to be displaced from these locations or has requested an injunction  
 25 regulating where they are allowed to live. On the other hand, the plaintiffs would  
 26 not have standing to seek this relief. *See Mitchell v. Dupnik*, 75 F.3d 517, 528 (9th  
 27 Cir. 1996).

28

Finally, at a minimum, although this Court clarified<sup>2</sup> that it was not the Court’s intention to require the City and County to relocate individuals immediately, given the current pandemic and public health guidance which counsels against such actions, that assurance is not reflected on the face of the order. Without such clarification, the Court’s order could be interpreted as requiring the clearing of encampments, even during the pandemic. *See e.g.*, Plaintiffs’ Response to City and County Plan Implementing Court Order, Dkt. 116 at 3 (indicating their position that the COVID-19 crisis obligates the County to clear encampments, rather than allowing individuals to remain in their present location for the duration of the pandemic).<sup>3</sup>

Dated: April 6, 2020

Respectfully submitted,

Schonbrun Seplow Harris & Hoffman LLP

/s/Catherine Sweetser

## Attorneys for Intervenors

## Law Office of Carol A. Sobel

/s/ Carol A. Sobel

## Legal Aid Foundation of Los Angeles

/s/ Shayla Myers

## Attorneys for Intervenors

<sup>2</sup> See e.g., Transcript of May 15, 2020 Proceedings, Dkt. 117 at p. 14.

<sup>3</sup> Intervenors reserve the right to address the issues raised by other parties.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28